

Torah for “The Age of Wickedness”: The Authority of the Damascus and Serekh Texts in Light of Biblical and Rewritten Traditions*

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Abstract: Considerable attention has been paid recently to the similarities between the composition and development of biblical texts, rewritten scripture-type texts, and the major Qumran rule scrolls. This study adds a new dimension to that work by comparing the authority claims of the Damascus Document (D) and the Community Rule (S) with those made by Deuteronomy, the Temple Scroll, and Jubilees. While D and S lack the pseudepigraphic self-presentation of the others, they share with them a concern to present themselves as the most authentic expression of God’s revealed will. D and S resemble Deuteronomy in particular in their use of several specific literary techniques to claim authority by means of asserting a close relationship with existing authoritative revelation.

Keywords: authority, rewriting, Damascus Document, Community Rule, Deuteronomy, Temple Scroll, Jubilees, pseudepigraphy, Torah, rewritten scripture.

Recent studies, including the analysis by Christoph Berner in this volume, have begun to document the ways in which processes of redaction and *Fortschreibung* postulated for the Hebrew Bible in its traditional (Masoretic = MT) form are continued in expanded editions of biblical books as well as in compositions labeled “rewritten scripture.”¹ These studies are giving rise to an image of a basic mode of scribal activity, extending across boundaries of genre, according to which the scribal process was one of continual exegetical reflection and textual growth. They also provoke a rethinking of the idea of “innerbiblical interpretation,” which now appears to be no different in form and substance than the many interpretive glosses and *Fortschreibungen* attested in “biblical” manuscripts from Qumran and in rewritten compositions.² Furthermore, recent work done on some of the classic “sectarian” texts, notably

* I am grateful to the editors for inviting me to contribute to this special thematic issue, and to them, Christoph Berner, and *DSD*’s anonymous referee for helpful comments on earlier drafts. Of course I am fully responsible for any errors or infelicities that remain.

¹ See e.g. M. Segal, “Between Bible and Rewritten Bible,” in *Biblical Interpretation at Qumran* (ed. M. Henze; Grand Rapids: Eerdmans, 2005), 10–29; S. W. Crawford, *Rewriting Scripture in Second Temple Times* (Grand Rapids: Eerdmans, 2008); D. A. Teeter, “‘You Shall Not Seethe a Kid in Its Mother’s Milk’: The Text and the Law in Light of Early Witnesses,” *Textus* 24 (2009): 37–63; M. Zahn, *Rethinking Rewritten Scripture: Composition and Exegesis in the 4QReworked Pentateuch Manuscripts* (STDJ 95; Leiden: Brill, 2011).

² The use of scare quotes around “biblical,” “rewritten scripture,” and other terms is meant to indicate their problematic and/or disputed nature. By “biblical” I simply wish to denote a work that later came to be included in the Hebrew Bible; of course there was no “Bible” in the Second Temple period. For a full discussion of these terminological issues, see M. Zahn, “Talking About Rewritten Texts: Some Reflections on Terminology,” in

the *Damascus Document* (D) and the *Serekh* texts (S), indicates that similar scribal processes governed the development of these texts as well.³ This line of investigation constitutes a critical move toward further integrating Qumran scholarship and scholarship focused on the Hebrew Bible in a more traditional sense.

Here I would like to explore a related aspect of textuality that I believe can build on these promising steps towards a richer connection between “Bible” and “Qumran,” namely, the ways in which texts construct their own authority. This question of authority has been a major point of discussion in the scholarly conversation concerning “rewritten scripture” over the past fifteen years, and important work has been done connecting the authorization strategies of texts such as the *Temple Scroll* (TS) and *Jubilees* with strategies evidenced by biblical texts, especially the book of Deuteronomy.⁴ In what follows I will expand on this discussion by examining the ways in which the D and S traditions present themselves as authoritative. While departing from pentateuchal and “rewritten scripture” texts in key ways, D and S, I will argue, in fact locate themselves in the same stream of tradition (with regard to authorization strategies) as Deuteronomy, TS, and *Jubilees*. By going beyond the immediate circle of “biblical texts” at Qumran, i.e. copies of biblical books and rewritten works that depend heavily on biblical texts, I hope to add another dimension to the conversation about how Biblical Studies and Qumran scholarship might mutually benefit one another.

Authority and Authorization in Deuteronomy, TS, and Jubilees

Despite the later attribution of the whole Torah to Moses, the Pentateuch as it has come down to us in fact preserves several approaches to the issue of its own textual authority. The anonymous narratives of Genesis, Exodus, and Numbers in fact do not provide any clear indication of their

Changes in Scripture (H. von Weissenberg, J. Pakkala, and M. Marttila, eds.; BZAW 419; Berlin: De Gruyter, 2011), 93–119.

³ See especially C. Hempel, “Pluralism and Authoritativeness: The Case of the S Tradition,” in *Authoritative Scriptures in Ancient Judaism* (M. Popović, ed.; JSJSup 141; Leiden: Brill, 2010), 193–208; R. G. Kratz, “Der ‘Penal Code’ und das Verhältnis von Serekh ha-Yahad (S) und Damaskusschrift (D),” *RevQ* 25 (2011): 199–227; A. Steudel, “The Damascus Document (D) as a Rewriting of the Community Rule (S),” *RevQ* 25 (2012): 605–620.

⁴ E.g., H. Najman, *Seconding Sinai: The Development of Mosaic Discourse in Second Temple Judaism* (JSJSup 77; Leiden: Brill, 2003); B. M. Levinson and M. M. Zahn, “Revelation Regained: The Hermeneutics of ך and ם in the Temple Scroll,” *DSD* 9 (2002): 295–346; E. Otto, “Die Rechtshermeneutik der Tempelrolle (11QT^a),” in idem, *Altorientalische und biblische Rechtsgeschichte. Gesammelte Studien* (BZAR 8; Wiesbaden: Harrassowitz, 2008), 547–63 (revised English translation: “*Temple Scroll and Pentateuch: A Priestly Debate about the Interpretation of the Torah*,” in *The Qumran Legal Texts Between the Hebrew Bible and Its Interpretation* [K. De Troyer and A. Lange, eds.; Leuven: Peeters, 2011], 59–74).

authority at all, unless one is to construe the very use of an omniscient narrator as a claim to special knowledge.⁵ On the other hand, the legal materials of Exodus, Leviticus, and Numbers 1–9 are, of course, given authority by virtue of their being spoken by YHWH at Sinai, either to the whole people (Exodus 20) or to Moses.⁶ Whatever the background of the idea of divinely revealed law, and whatever other modes of access to the divine will are attested alongside it in ancient Israelite and Jewish texts, the idea of covenant law delivered by God on Sinai functions as *the* paradigmatic revelation for numerous later texts, all of which seek to redeploy Sinai in various ways.

Arguably the first text to exploit and repurpose this idea is the book of Deuteronomy. Even before the Sinaitic texts attained the forms in which they were later transmitted, Deuteronomy uses the idea of divine revelation at Sinai (Horeb, in its vocabulary) to construct its own authority.⁷ This is accomplished through Deuteronomy’s claim to represent Moses’ mediation to the Israelites, 40 years later, of all that God had commanded him at Sinai. Deuteronomy is thus cast as formally belated, even interpretive—Moses speaks to the Israelites ככל אשר צוה יהוה אתו אלהם, “according to everything that YHWH commanded him for them” (1:3), an act that is further defined in 1:5 as ביאור, “explication” or “explanation”: הוֹאִיל מֹשֶׁה בָּאֵר, “Moses began to explain this teaching (*torah*).”⁸ Nevertheless, Deuteronomy uses a web of key phrases stretching across the book to insist that, despite its formal subordination to Sinai, its laws in fact represent the full expression of YHWH’s revealed will for Israel.

The specific techniques used by Deuteronomy’s composers to make this claim establish a pattern for later authors. Early in the book, by means of a retelling of the events at Sinai/Horeb, the text reiterates that God revealed legislation to Moses at Horeb that Moses is to pass on to the people. The key verse is 5:31, after YHWH has spoken the Decalogue to the assembled Israelites, and they have requested that God no longer speak to them directly: וְאַתָּה פֶּה עִמָּד עִמָּדִי

⁵ As proposed by Meir Sternberg, *The Poetics of Biblical Narrative* (Bloomington: Indiana University Press, 1985), 85.

⁶ See the critique of Sternberg from the perspective of biblical law in B. M. Levinson, “The Right Chorale: From the Poetics to the Hermeneutics of the Hebrew Bible,” in idem, *The Right Chorale: Studies in Biblical Law and Interpretation* (FAT 54; Tübingen: Mohr Siebeck, 2008), 7–39.

⁷ B. M. Levinson, *Deuteronomy and the Hermeneutics of Legal Innovation* (Oxford: Oxford University Press, 1997), 151. For a thorough analysis see also E. Otto, “Die Rechtshermeneutik im Pentateuch und in der Tempelrolle,” in *Tora in der Hebräischen Bibel. Studien zur Redaktionsgeschichte und synchronen Logik diachroner Transformationen* (R. Achenbach, M. Arneth, and E. Otto, eds.; BZAR 7; Wiesbaden: Harrassowitz, 2007), 72–121, at 87–98.

⁸ On Deuteronomy’s trope of “belatedness,” see Levinson, *Deuteronomy*, 151–57.

...ואדברה אליך את כל המצוה והחקים והמשפטים אשר תלמדם...” “But you, stand here with me, so that I may tell you the whole commandment and the statutes and the ordinances that you shall teach them...”⁹ Elsewhere in its paranetic and legislative material, Deuteronomy uses deictic pronouns at key points to make clear that the laws of Deuteronomy are in fact identical with those “statutes and ordinances” that YHWH spoke to Moses. Sometimes there is even a direct reference to YHWH as the originator of the commands, e.g., 6:1: וְזֹאת המצוה והחקים והמשפטים אשר צוה יהוה 6:1, “Now *this* is the commandment, the statutes and the ordinances, that YHWH your God commanded to teach you,” and 26:16: וְהָאֵלֶּה החקים האלה ואת 26:16, “Today YHWH your God is commanding you to perform *these* statutes and the ordinances.” But even when deictic references do not refer directly to YHWH, lexical links tie them back to the divinely revealed וּמִשְׁפָּטִים ומשפטים of 5:31, e.g. 12:1: אֵלֶּה החקים והמשפטים אשר תשמרון 12:1, “*These* are the statutes and the ordinances that you shall be careful to perform,” or 4:45: אֵלֶּה העדות והחקים והמשפטים אשר דבר משה אל בני ישראל 4:45, “*These* are the stipulations and the statutes and the ordinances that Moses spoke to the Israelites.”

Another element in this lexical web that becomes influential in later works is the self-referential use of the word תּוֹרָה (*torah*). Where elsewhere in the Pentateuch a תּוֹרָה constitutes a specific legal ruling or ritual practice (see especially Leviticus 1–15, but also preserved in Deut 17:11), the paranetic frame of Deuteronomy repeatedly characterizes its laws as a whole as “this *torah*.” (See e.g. 4:44: וְזֹאת התורה אשר שם משה לפני בני ישראל 4:44, “*This* is the *torah* that Moses set before the Israelites,” or, more typically, 30:10: כִּי תִשְׁמַע בְּקוֹל יְהוָה אֱלֹהֶיךָ לְשׁמֹר מִצְוֹתָיו וְחֻקֵּיהֶם הַכְּתוּבָה 30:10, “if you obey YHWH your God so as to observe his commandments and his statutes which are written in *this* book of the *torah*.”) By the principle of identity, “this *torah*” is equivalent to the “statutes and ordinances” that are presented by Deuteronomy and that represent God’s revelation to Moses on Sinai/Horeb.¹⁰

Deuteronomy’s means of authorizing itself became highly influential, as the idea of “Torah of Moses,” meaning the revelation Moses received at Sinai, increases in prominence in

⁹ On this verse and the development of the depiction of the revelation of the Decalogue in Exodus and Deuteronomy, see Berner in this volume.

¹⁰ For an overview of the various valences of the term תּוֹרָה within the Pentateuch (and the Hebrew Bible as a whole), see R. Achenbach, “Die Tora und die Propheten im 5. und 4. Jh. v. Chr.,” in *Tora in der Hebräischen Bibel* (n. 7 above), 26–71.

postexilic texts like Ezra and Nehemiah.¹¹ In fact, Hindy Najman identifies Deuteronomy as the first example (in a way, the inventor) of “Mosaic Discourse,” a textual strategy whereby revelation is renewed by re-presenting it in a new work that claims the same origins as the original revelation.¹² A variation of this strategy can be seen already in the Pentateuch itself, in the Holiness Code (Leviticus 17–26).¹³ From a slightly later period, the *Temple Scroll* and *Jubilees* are two premier examples of texts that use Mosaic Discourse: each, as it rewrites Pentateuchal narrative and law, claims authority by situating itself in the same revelatory moment in which Deuteronomy also ultimately places its origins and its authority, God’s revelation to Moses at Sinai/Horeb.¹⁴ Yet both TS and *Jubilees* differ from Deuteronomy in significant ways as regards their authority claims. They provide illustrative examples of how one basic theme or idea—Sinaitic revelation—can be mobilized in different ways.

If Deuteronomy’s authority depends ultimately on the person of Moses as faithful mediator of God’s revelation, TS goes straight to the source, virtually eliminating the middleman, as it were. It presents itself as God’s direct speech from Sinai. Moses is referred to obliquely on two occasions,¹⁵ making clear that he is indeed the one God is talking to, but he plays no other role. The immediacy of the link between the text of TS and God’s revealed word is especially clear in the latter section of the scroll, where TS includes large portions of material from Deuteronomy but systematically changes the voicing so that God, not Moses, is the speaker. For instance, instead of referring to “the land that *YHWH your God* is giving you” (הָאָרֶץ) (אשר יהוה אלהיך נתן לך; Deut 18:9), TS has “the land that *I am* giving you” (הָאָרֶץ אשר אני נותן לכה) (אשר יהוה אלהיך נתן לך; 60:16).

By removing the signs of Mosaic mediation, TS thus asserts for itself an authority arguably greater than that of Deuteronomy: it is not a repetition or recollection; it is a direct transcript of YHWH’s words.¹⁶ Although we could be more certain on this issue if the very

¹¹ H. Najman, “Torah of Moses: Pseudonymous Attribution in Second Temple Writings,” in eadem, *Past Renewals: Interpretative Authority, Renewed Revelation and the Quest for Perfection in Jewish Antiquity* (JSJSup 53; Leiden: Brill, 2010), 73–86.

¹² Najman, *Seconding Sinai*, 1–40.

¹³ I thank Christoph Berner for pointing this out. On the rewriting of earlier traditions in the Holiness Code, see J. Stackert, *Rewriting the Torah: Literary Revision in Deuteronomy and the Holiness Legislation* (FAT 52; Tübingen: Mohr Siebeck, 2007).

¹⁴ Najman, *Seconding Sinai*, 41–69.

¹⁵ 44:5; 51:7.

¹⁶ See already Y. Yadin, *The Temple Scroll* (3 vols.; Jerusalem: Israel Exploration Society, 1983), 1.71–73; also the discussion of L. H. Schiffman, “The *Temple Scroll* and the Halakhic Pseudepigrapha of the Second Temple

beginning of the main copy (11Q19) were preserved, it seems that TS inserts itself in the narrative lacuna implied by the text of Exodus 34 (a version of which is fragmentarily preserved in the scroll's first extant column): besides the brief commands of Exod 34:11–26, what else did God reveal to Moses in his second 40 days on Mt. Sinai?¹⁷ The reuse of Deuteronomy in the context of this “earlier” revelation results in a dramatic shift in the significance of Deuteronomy's deictic and self-referential language. For instance, in TS 59:7–10, we first read of the punishment that will befall the people if they do not heed God's commands, “because they broke my covenant and disdained my *torah*” (הפרו בריתי ואת תורתִי געלה נפשמה), and then of the deliverance that will come when they “return to me...according to all the words of *this torah*” (ישובו אלי... ככול דברי התורה הזאת). This latter phrase is based on Deut 17:19, according to which the king is to study his “copy of this *torah*” so as to learn to observe את כל דברי התורה הזאת, “all the words of this *torah*.” Although the phrase is nearly identical in both cases, the new literary context means its referent is transformed: “this *torah*,” the teaching which the king (and people) must follow, refers no longer to the text of Deuteronomy, but to the text of TS itself.¹⁸

Jubilees shares with TS an anchoring in the tradition of revelation at Sinai, and like TS connects itself more directly to Sinai than does Deuteronomy, but there the similarities end. Instead of presenting the direct speech of God, *Jubilees* portrays itself as the words of an angel of the presence dictating to Moses on Sinai from the primordial heavenly tablets (1:27; 2:1; 50:13). What is revealed to Moses on Sinai is the same blueprint for creation as has always existed.¹⁹ *Jubilees* does not let its audience forget the setting, as the narrative is peppered with instructions to Moses such as “Now you command the Israelites...” (6:32) or “Now you, Moses, order the

Period,” in idem, *The Courtyards of the House of the Lord* (F. García Martínez, ed.; STDJ 75; Leiden: Brill, 2008), 163–74.

¹⁷ TS's claim to fill this “gap” of course stands in tension with Deuteronomy's implication that it was *its* law that was revealed at this time; see M. Weinfeld, “God Versus Moses in the Temple Scroll,” *RevQ* 15 (1991): 175–80; Otto, “Rechtshermeneutik,” 557.

¹⁸ See also TS 56:20–21, a more direct reuse of Deut 17:18–19. Yadin (*Temple Scroll*, 1.345) argues that in the context of TS “this *torah*” refers only to TS's kingship law (cols. 56–59), not to TS as a whole. Either way, it is the law contained in TS to which the term *torah* now refers. On the other hand, Fishbane argues that the addition in TS 56:4 of the phrase “from the book of the *torah*” (מספר התורה) is meant to refer to “the Tora book at hand”; i.e., TS itself. See M. Fishbane, “Use, Authority and Interpretation of Mikra at Qumran,” in *Mikra: Text, Translation, Reading and Interpretation of the Hebrew Bible in Ancient Judaism and Early Christianity* (M. J. Mulder, ed.; CRINT 2.1; Assen: Van Gorcum/Philadelphia: Fortress, 1988), 339–77, at 362.

¹⁹ H. Najman, “Interpretation as Primordial Writing: *Jubilees* and its Authority Conferring Strategies,” in eadem, *Past Renewals* (n. 11 above), 39–71; J. C. VanderKam, “Moses Trumping Moses: Making the Book of *Jubilees*,” in *The Dead Sea Scrolls: Transmission of Traditions and Production of Texts* (ed. S. Metso, H. Najman, and E. Schuller; STDJ 92; Leiden: Brill, 2010), 25–44.

Israelites and testify to them...” (30:11).²⁰ Once the narrative sequence reaches Moses’ own lifetime, this insistence on setting becomes somewhat comical, as the angel repeats to Moses incidents from his own life: “...you went from the royal court and saw the Egyptian beating your companion who was one of the Israelites. You killed him and hid him in the sand” (47:10, cf. Exod 2:11–12). *Jubilees* also repeatedly reminds the audience that what Moses is told to command the Israelites are “eternal ordinances” that are “written on the heavenly tablets” (e.g., 15:25). Although the syntax is not as close to Deuteronomy as is the case in TS, this is also a form of deixis, whereby the law the angel outlines is identified with God’s eternal law (e.g., “For *this* is the way it has been ordained and written on the heavenly tablets...,” 30:9).

Despite differences in the specifics of their approaches, the *Temple Scroll* and *Jubilees* both mimic the basic strategy of Deuteronomy of authorizing innovation by presenting it as related in some way to the original authoritative revelatory event (Sinai). Indeed, this pseudepigraphic “re-presentation” of Sinai is one of four key features of “Mosaic Discourse” as outlined by Najman.²¹ In this way, as well as in their extensive reuse of existing authoritative texts, *Jubilees* and TS can easily be seen as inheriting and continuing early Jewish scriptural tradition; as operating in an ideological context where ancient revelation can continue to be accessed.

The origins and functions of “rewritten scripture” texts like TS and *Jubilees* have tended to be studied largely in the context of the texts they are perceived to be most like, namely, the manuscript traditions of the Pentateuch and other “parabiblical” works. Of course scholars have pointed out numerous halakhic and ideological overlaps between these works and those more closely associated with the Qumran group.²² But the Qumran “sectarian” compositions are generally regarded as a different *type of text* altogether than “rewritten scripture.” Many good arguments can be made in support of such a claim. I would suggest, however, that putting the sectarian texts in a different “box” or pigeonhole than rewritten scripture has obscured some potent similarities. Others have done a great deal of work on the complex compositional and redactional histories of the two major rule texts D and S, and have pointed out parallels to the

²⁰ Translations follow VanderKam, *The Book of Jubilees* (CSCO 511; Louvain: Peeters, 1989).

²¹ *Seconding Sinai*, 17.

²² See e.g. Schiffman, “*Miqsat Ma‘ase Ha-Torah* and the *Temple Scroll*” and “The Relationship of the *Zadokite Fragments* and the *Temple Scroll*,” pp. 123–48 and 149–62 in *The Courtyards of the House of the Lord* (n. 16 above); J. C. VanderKam, *The Book of Jubilees* (Sheffield: Sheffield Academic, 2001), 143–46.

transmission of biblical books and rewritten scripture.²³ Another area ripe for more exploration is the issue of authority. Despite what may appear to be irreconcilable differences, I will argue that the authorization strategies of S and D have more in common with Deuteronomy and its descendants than it might seem.

Authority and Authorization in S and D

Before considering issues of authority in S and D, some background is necessary regarding their textual histories. As mentioned above, the full publication of the Cave 4 materials has allowed us to appreciate the complex nature of the development of S and D, both individually and in relationship to one another. Some of the 4Q mss of S witness a considerably shorter text than that preserved in 1QS, and from these witnesses several different stages of development can be postulated.²⁴ The 4Q copies of D show less variation, even compared to the two medieval copies, but the medieval copies themselves attest two different versions of a key interpretive section (CD 7 [ms A] // CD 19 [ms B]).²⁵ Finally, the S and D traditions are connected to one another in a number of ways, most notably substantial textual overlaps in the section of community regulations known as the “penal code,” some parts of which are also attested in 4Q265 (4QMiscellaneous Rules).²⁶ The preservation of various versions of these rule texts raises questions about how their claims to authority may have been received, an issue I will return to below.

Both S and D are, formally speaking, anonymous. Not only do we not know who wrote them, neither of them identifies the “implied author” or voice of the text. This of course contrasts with Deuteronomy, TS, and *Jubilees*, all of which use pseudepigraphic voicing as part of their

²³ See e.g. C. Hempel, “Shared Traditions: Points of Contact Between S and D,” in *The Dead Sea Scrolls* (n. 19 above), 115–131, at 131; eadem, “Pluralism,” 202–8.

²⁴ S. Metso, *The Textual Development of the Qumran Community Rule* (STDJ 21; Leiden: Brill, 1997); C. Hempel, “The Literary Development of the S Tradition—A New Paradigm,” *RevQ* 87 (2006): 389–401; A. Schofield, *From Qumran to the Yahad: A New Paradigm of Textual Development for The Community Rule* (STDJ 77; Leiden: Brill, 2009), 69–130.

²⁵ M. Kister, “The Development of the Early Recensions of the Damascus Document,” *DSD* 14 (2007): 61–76; R. Kratz, “Jesaja in den Schriften vom Toten Meer,” in idem, *Prophetenstudien* (FAT 74; Tübingen: Mohr Siebeck, 2011), 243–71.

²⁶ Hempel, “Shared Traditions”; Schofield, *From Qumran to the Yahad*, 162–73. Arguing that D represents a comprehensive rewriting of S (against the conclusions of Hempel, Schofield, and others that the core of D is older than S) are Kratz, “Penal Code,” and Steudel, “Damascus Document.”

authority structure.²⁷ Nevertheless, examination of the texts of S and D reveals that they in fact use a range of literary techniques quite similar to those used in Deuteronomy, and use them to the same effect, to present themselves as authoritative *by virtue of their relationship to a previous text already regarded as authoritative*. Just as Deuteronomy uses the trope of Moses “explicating” Sinaitic revelation to subtly cast itself as the most authentic version of that revelation, S and D both use the repetition of key terms to create a series of equivalencies that link God’s will, *torah*, the secret revelation accessible only by the group, and the text of S or D itself.

The exhortative material in the beginning of CD sets up a basic dichotomy between the wicked, who reject God’s will, and the righteous, who do what pleases God (2:15).²⁸ Here various terms are used to refer to the expression of God’s will: the “way” (דרך) and the “statute” (חק) in 2:6; the “commandments of God” (מצות אל) that the Watchers and the descendants of Jacob failed to observe but that Abraham, Isaac, and Jacob kept (2:18–3:8); the “interpretation of the law (פרוש התורה) by which the forefathers were taught” in 4:8.²⁹ Although all of these terms clearly refer to specific regulations or modes of behavior, just what the author envisioned them to consist of is not made explicit. Although the laws of the Pentateuch (“Torah” in the modern sense) were certainly involved (see the exegesis of Deuteronomy and Leviticus in 5:1–3, 8–10), there is no reason to think that the “commandments of God” mentioned here are simply equivalent with the laws now found in the Torah; in fact, reference to the “*interpretation of the torah*” strongly suggests otherwise.³⁰

Another significant feature of D’s rhetoric concerning God’s will is the notion that, whatever the contents of those original “commandments of God,” God has also at a later time provided additional revelation to a select group that allows this group unprecedented access to God’s will. The key passage in this regard is CD 3:12–15:

ובמהזיקים במצות אל

²⁷ On possible reasons for the lack of pseudepigraphy in the major “sectarian” texts, see J. J. Collins, “Pseudepigraphy and Group Formation,” in *Pseudepigraphic Perspectives* (E. Chazon and M. Stone, eds.; STDJ 31; Leiden: Brill, 1999), 43–58, at 56–57.

²⁸ Because they are the best-preserved copies, the medieval manuscripts (CD 1–20) will form the basis for this analysis, supplemented by the 4QD mss.

²⁹ See also מצוותו, “his commandments,” and דרך, “way,” in 4Q266 2 i 4, a section that precedes CD 1:1. Translations of Qumran material are my own, in consultation with the *Dead Sea Scrolls Electronic Library* (Brill, 2006).

³⁰ See the comments on the distinctive understanding of *torah* at Qumran by C. Newsom, *The Self as Symbolic Space* (STDJ 52; Leiden: Brill, 2004), 68–73.

אשר נותרו מהם הקים אל את בריתו לישראל עד עולם לגלות
להם נסתרות אשר תעו במ כל ישראל שבתות קדשו ומועדי
כבודו עידות צדקו ודרכי אמתו וחפצי רצונו...

But among those who held fast to the commandments of God
who were left of them, God instituted his covenant for Israel forever, so as to reveal
to them hidden things through which all Israel had erred: his holy Sabbaths and
his glorious festivals; his righteous statutes and his true ways and the pleasures of his will...

From the perspective of D, then, faithfulness to the מצות אל resulted in a further revelation of
“hidden things,” which would allow the correct practice that previous generations had been
unable to perform.³¹ But there is still no indication of the precise contents of these נסתרות or their
relationship to the text of the present document.

As D transitions to the more legislative material in the later sections of the text, however,
it begins to offer more specificity, creating a web of lexical connections that allows D to position
itself as the record of the revealed will of God for the community. In the “well peshet” of CD 6,
“digging the well” (Num 21:18) is accomplished through “the decrees that the Rod [= the
Interpreter of the Law] decreed to walk in during the whole era of wickedness” (6:9–10). Just a
few lines later, in an interpretation of Mal 1:10, members of the covenant are exhorted to avoid
“lighting up my altar in vain” by being sure to act “according to the interpretation of the *torah*
(פרוש התורה) for the era of wickedness.” The double mention of “era of wickedness” (קץ הרשע /
קץ הרשע) implies that the two ways of referring to the law to be followed in this time are to be
identified; that is, that the authoritative “interpretation of the *torah*” (פרוש התורה) is the same as
the rules established by the Interpreter (דורש).

From this point, D begins to use deictic pronouns (primarily אלה, “these”) to refer more
specifically to the laws *it contains* as the divinely revealed covenant regulations. For instance:

CD 7:4–6 דור אלף דור... ברית אל נאמנות להם לחיותם אלף דור “All who walk
in these (rules) in perfect holiness... God’s covenant endures for them to give them life for a
thousand generations.”

CD 12:22–23 וזה סרך מושב המה[נ]ת המתהלכים באלה בקץ הרשעה “This is the rule for those
who dwell in the camps, who walk *in these* (rules) in the era of wickedness.” (Note how mention
of קץ הרשעה here connects “these”; i.e. the various precepts of CD, with the פרוש התורה/precepts
of the Interpreter mentioned in col. 6).

³¹ See A. Jassen, *Mediating the Divine: Prophecy and Revelation in the Dead Sea Scrolls and Second Temple Judaism* (STDJ 68; Leiden: Brill, 2007), 341.

14:1–2 שחת מוקשי שחת 2–14:1, “All who walk *in these* (rules): the covenant of God endures for them, to deliver them from all the traps of perdition.” The similarity of phraseology with 7:6 (see above) creates a sort of “frame” around the intervening legislation, emphasizing its covenantal nature.

20:27–28 (MS B): ...מורה לקול מורה... ל[צ]את ולבוא על פי התורה וישמעו לקול מורה... “All who hold fast to *these ordinances*, to come and go according to the Torah, and who heed the voice of the Teacher...” Here the “ordinances” contained in CD are identified both with *torah* and with the teachings of the Teacher.

4Q266 11 5–6: ...משה מורה... על פי כול החוקים הנמצאים בתורת משה... “anyone who rejects *these ordinances* according to all the statutes found in the law of Moses...” Again, the ordinances recorded in D are identified with the laws of the Torah.

One final connection should be mentioned. CD 15:7–10 describes how an initiate seeking to join the community must swear by oath “to return to the Law of Moses with whole heart and whole soul.” After declaring his intention, the initiate is instructed by the *mebaqqer* in כל אשר נגלה מן התורה לרוב המהנה, “everything that is revealed from the Torah to the multitude of the camp,” material he is to study for one year prior to full acceptance into the community (15:13–15). Forms of the root גלה are uncommon in D,³² so the use of נגלה here creates a link back to the description of God’s revelation (גלה) of נסתרות to the faithful remnant (3:12–15).³³ The inexorable impression is that “what has been revealed from the Torah” is precisely the hidden revelation to which the community was privy.³⁴

Thus, although D does not directly attribute its contents to divine revelation or an inspired intermediary, it consistently positions itself as an expression of God’s will; of the rules which God has revealed to the covenant community, adherence to which will guarantee covenant blessings. This claim is bolstered by the frequency with which scripture is cited in the halakhic sections of D as support for the author’s legal viewpoints.³⁵ The two strategies complement one another: the ordinances of D, referred to as a whole, are equated with God’s commandments,

³² CD 2:2, 14; 3:13; 5:5, 10; 7:14; 15:13; 20:20; 4Q266 5 i 8; 4Q268 1 7; 4Q270 2 ii 13.

³³ See also 4Q268 1 7, ויגל ע[יניה]מה בנסתרות, “and he opened their eyes with hidden things.”

³⁴ J. Kampen, “‘Torah’ and Authority in the Major Sectarian Rules Texts from Qumran,” in *The Scrolls and Biblical Traditions* (G. J. Brooke et al., eds.; STDJ 103; Leiden: Brill, 2012), 231–54, at 245–47. Although in some cases the נגלה is opposed to the נסתר as the “public” revelation available to all (e.g., 1QS 5:11–12), here as elsewhere (e.g. 1QS 5:9) הנגלה is actually equivalent to הנסתר, the hidden knowledge that is specially *revealed* to the group. See Jassen, *Mediating the Divine*, 335–37.

³⁵ I am grateful to Reinhard Kratz for suggesting this point.

while the citation of scripture creates the impression that specific legal precepts are consistent with earlier revelation.

The situation in the *Serekh* texts, 1QS in particular, is strikingly similar.³⁶ Although its specific contents differ considerably from the opening sections of D, the first column of 1QS, like D, delineates two basic groups—the Children of Light and the Children of Darkness (1:9–10)—and uses a number of different terms to describe the will of God that the Children of Light are to uphold. More quickly and obviously than in D, these terms are connected with the life and practice of the community (here of course termed the *yaḥad*). Already in the first lines, “the book of the rule of the community” (ספר סרך היחיד³⁷) is associated with doing “what is good and upright before him, just as he commanded through Moses and through all his servants the prophets” (1QS 1:1–3//4QS^a). Those who agree to perform “God’s statutes” (חוקי אל) are brought into the covenant community (1:7; see also באמת חוקי אל in 1:12). Conversely, those who enter the “rule of the community” (סרך היחיד) must act ככול אשר צוה, “according to everything that he [God] commanded” (1:16–17). The identity between the precepts of the *yaḥad* and God’s will is further strengthened at the end of col. 2 and beginning of col. 3, where we read that the one who refuses to enter the covenant community has spurned “the righteous ordinances” (משפטי צדק) (3:1//4QS^c), and that not accepting instruction from “the *yaḥad* of his society” is equivalent to “reject[ing] the ordinances of God” (משפטי אל) (3:5–6//4QS^{c, h}). In fact, the whole first half of col. 3 is dedicated to expounding the idea that the only way to “walk perfectly in all the ways of God” (3:9–10//4QS^a) is through adherence to the *yaḥad* and its teachings.

Like D, S also refers to hidden divine knowledge of which the community is in special possession. According to 1QS 1:8–9, initiates are to “walk before him perfectly (in) all the things revealed (הנגלות) for the times appointed them” (מועדי תעודותם). Later on, the binding oath taken by new volunteers is described, whereby each swears “to return to the Torah of Moses, according to everything that he commanded...to *all that has been revealed from it* (לכול הנגלה ממנה) to the Sons of Zadok, the priests” (5:8–9).³⁸ In 5:11, in a passage absent in the 4QS mss, it is said that

³⁶ The fragmentary preservation of the 4QS mss requires that 1QS serve as the basis for analysis, with 4Q parallels noted where extant. Though it is impossible to know how fully each of the 4Q copies would have witnessed the same methods of authority construction as 1QS, variants between 1QS and 4QS^{b, d} where both are preserved (especially 1QS 5 // 4QS^d 1–2) reveal that 1QS contained more terms pertaining to textual authority. I return to this issue below.

³⁷ The phrase is fragmentary in 1QS, but fully preserved in 4Q255 (4QpapS^a).

³⁸ Note the variant here in 4QS^d 1:6–7//4QS^b 9:7–8, which is actually closer to the formulation in CD 15:13: כל הנגלה מן הת[ורה ע]ל[ן] פי[ן] עצת אנשי היחיד.

“the perverse men” have failed to discover *הנסתרות אשר תעו בהם*, “the hidden things through which they erred.” Further reference to “hidden” revelation comes in 8:11–12 (//4QS^e), according to which the Interpreter (*איש הדורש*) must not *keep hidden* (*יסתרהו*) “any matter hidden from Israel” (*כול דבר הנסתר מישראל*) that he has discovered,³⁹ while 9:13 (//4QS^e) indicates that the *maskil* is to “perform the will of God according to everything revealed from age to age” (*ככול הנגלה לעת בעת*).

For all of this talk of revealed knowledge, however, none of these passages clearly identify the *Serekh* itself as containing these laws. Again as in D, this connection is made through the use of deixis that connects the precepts recorded in S with the divine laws referred to elsewhere. Thus 1QS 5 begins *זוה הסרך לאנשי היחד המתנדבים לשוב מכול רע ולהחזיק בכול אשר צוה*, לרצונו, “This is the rule for the men of the *yahad* who volunteer to turn away from all evil and to hold fast to all that he commanded by his good will.” The sentence implies an equivalence: those who wish to hold fast to God’s commands will act according to this rule. The correspondence is strengthened by the connection the mention of *סרך היחד* creates with 1:1–3, where the “book of the rule of the community” is associated with doing what God commanded through Moses and the prophets.⁴⁰ (See also *זוה הסרך למושב הרבים*, “This is the rule for the assembly of the many,” in 6:8.) Another passage not attested in the 4QS mss, 5:7, notes that the practices of the *yahad* shall be based *על כול החוקים האלה*, “on all these statutes,” which creates a lexical link to the various references to *חוקי אל*, “the statutes of God,” in other sections of the text (1:7, 12; 3:8).⁴¹ Similarly, *ואלה המשפטים*, “these are the ordinances,” at the beginning of the penal code (6:24) forms a connection with the *משפטי אל*, “ordinances of God,” of 3:5–6.⁴² One final significant example appears in 5:20–22, where 1QS largely agrees with the 4QS mss (see 4QS^d 2:1–2). Here, entering into the covenant is defined as “acting according to all these statutes” (*לעשות ככול החוקים*). Just after this, the Sons of Aaron are described as those who volunteer “to uphold his covenant” (*להקים את בריתו*) and “to stipulate all his statutes that he commanded be performed”

³⁹ This is one of few clear references to the *interpretive* character of the community’s special revelation in 1QS; see further below.

⁴⁰ The deixis—and, of course, the connection to 1:1 (absent anyway in 4QS^d)—is lacking in 4QS^{b,d}, which begin the sentence with *מדורש למשכיל*, “Interpretation for the *maskil*.” However, even without the deictic pronoun, the implication is that the text of S before the reader is the text of the *midrash*, and that it is what will allow the *maskil*’s charges to successfully “hold fast to all that he has commanded”—so even without the explicit deixis, the effect is the same.

⁴¹ See also *אלה החוקים למשכיל*, “these are the statutes for the *maskil*,” in 9:12 (//4QS^e).

⁴² Kratz argues that the use of this formula in 1QS, along with the casuistic formulation of the penal code, constitutes a deliberate allusion to the beginning of the Covenant Code in Exod 21:1; see Kratz, “Penal Code,” 222–23.

(לפקוד את כל חוקיו אשר צוה לעשות). While technically the text talks about “the covenant” and “*his* covenant” and “these statutes” and “*his* statutes,” it is clear that the referent in each instance is the same: the community’s covenant *is* God’s covenant, and the statutes here recorded are, equally, God’s statutes.

From these brief explorations of D and S, it emerges that both compositions construct their own authority in a quite sophisticated manner. They do not deny their “belatedness” in relation to existing authoritative revelation: each at times refers to “the Torah of Moses,” and explicitly cites scripture using formulae such as *כאשר כתוב*, “as it is written,”⁴³ and *כי כן כתוב*, “for so it is written.”⁴⁴ In other words, there is an openly *interpretive* element in both texts that in a sense creates a separation between them and earlier revelation. But at the same time, D and S gradually create a network of associations whose cumulative effect is to implicate themselves as authentic—and therefore authoritative—expressions of God’s revealed will. There is in effect a complex hermeneutic at work here that bears great resemblance to the authorization strategies of Deuteronomy described above. In fact, it may not be going too far to suggest that both 1QS and CD, in their final forms, may have been patterned structurally on Deuteronomy: both begin with more general, exhortative sections (CD 1–8; 1QS 1–4) before continuing with more specific legislation.⁴⁵ The parallel is especially apparent in CD, with its exhortative tone (e.g., 2:2: “Listen to me, all you who enter the covenant...”) and its reference to the past history of Israel in the opening columns (cf. Deuteronomy 1–3). Thus, although neither D nor S rewrites prior scripture in the sustained manner of Deuteronomy, TS, and *Jubilees*, and although they do not pseudepigraphically re-present Sinai as those texts do, there is still a way in which they could be said to represent a sort of “Mosaic” or “Sinaitic” discourse in each one’s presentation of *itself* as containing the most authentic expression of God’s revelation to Israel.⁴⁶

This presentation requires several nuances. First, even aside from the issue of pseudepigraphy mentioned above, differences certainly exist between the self-presentation of S

⁴³ CD 7:19; 1QS 5:17; 8:14.

⁴⁴ CD 11:18; 1QS 5:15.

⁴⁵ This argument is refined with regard to CD by Steven Fraade, “Ancient Jewish Law and Narrative in Comparative Perspective: The Damascus Document and the Mishnah,” in idem, *Legal Fictions* (JSJSup 147; Leiden: Brill, 2011), 227–54. See also the forthcoming article by R. Kratz, “Rewriting Torah in the Hebrew Bible and the Dead Sea Scrolls.” (I am grateful to Prof. Kratz for sharing a copy of his article with me.)

⁴⁶ Kampen argues along these lines in “‘Torah’ and Authority” (n. 34 above), though he focuses more on the nature and contents of *תורת משה*, “the *torah* of Moses,” as construed by the Qumran group, and less on the extent to which D and S themselves claim to represent *תורת משה* (see, however, p. 247).

and D on the one hand and Deuteronomy on the other. Deuteronomy actually is much more insistent on its own status as *torah* than D and S; unlike Deuteronomy (see 1:5; 4:8, 44; 17:19; 27:3, 8, 26, and frequently in chs 28–32) neither S nor D identifies itself directly as *torah*. Instead, they identify themselves as the חוקים, “statutes,” משפטים, “ordinances,” or סרך, “rule,” that allow(s) perfect fidelity to תורת משה, “the *torah* of Moses.”⁴⁷ On the other hand, while Deuteronomy stresses the openness and accessibility of its laws (e.g. 30:11–14), S and D both conceive of themselves as presenting a “hidden” or “secret” revelation made known to the community because of its special status as covenant partner. This development reflects the apocalyptically-tinged ideology of the Qumran movement, building on ideas of a righteous subset of Israel that alone would prevail in the end-times and of access for this subset to privileged revelation.⁴⁸

Second, slight differences in emphasis appear between D and S and between 1QS and 4QS^{b, d}. For instance, CD seems to stress the *interpretive* character of the community’s special revelation more than 1QS: the term פרוש התורה, “interpretation of the law,” which occurs 3 times in CD, does not occur in 1QS, and the “well midrash,” with its emphasis on the דורש התורה, “Interpreter of the law,” is a central element of the composition.⁴⁹ This is not to say that there is no reference to interpretation in 1QS (see e.g. the reference to the איש הדורש, “Interpreter,” in 8:11–12, or the explanation of “preparing the way in the wilderness” as מדורש התורה, “interpretation of the law,” in 8:15); just that the connection between interpretation and the revealed precepts of the group is more prominent in CD than in 1QS.

Interestingly, in at least one case, this impression may be the result of a conscious move in this direction in 1QS compared to earlier versions of the *Serekh*. The reading וזה הסרך לאנשי החד, “This is the rule for the men of the *yahad*,” in 1QS 5:1 appears in 4QS^{b, d} as מדורש למשכיל על אנשי התורה, “Interpretation for the *maskil* concerning the men of the *torah*.” The presence of the word מדורש links the regulations that follow in the 4QS manuscripts more clearly to the interpretive process than in 1QS. It may be going too far to say that this particular change reflects an increased sense of the text’s authority by the redactor of 1QS. On the other hand, other differences between 1QS and 4QS^{b, d} in col. 5 also seem to further enmesh the text in the web of

⁴⁷ Perhaps related is the relative disinterest in the practice of writing in D and S, in contrast to the concern for their own writtenness manifested by both Deuteronomy (e.g., 27:3, 8; 31:9) and, especially, *Jubilees*. See Newsom, *Self*, 69, drawing on Najman, “Interpretation as Primordial Writing,” 41–49.

⁴⁸ Fishbane, “Mikra at Qumran,” 364–65; Newsom, *Self*, 70–71.

⁴⁹ On the use of פרוש in D, see Kratz, “Penal Code,” 212.

authorizing connections detailed above. The many references to the covenant present in 1QS 5 but absent in corresponding sections of 4QS^{b, d} highlight the group's special relationship with God.⁵⁰ For example, those to whom special revelation from the Torah is given are now Zadokite priests, who are further described as שומרי הברית ודורשי רצונו, “keepers of the covenant and seekers of his will” (5:9). 1QS also contains additional references to the wicked as עוברי חוק, “transgressors of the statute” (5:7) and as failing to “inquire after his statutes” (ולוא דרשהו בחוקוהי) (5:11). As mentioned above, the mention of the נסתרות in 5:11 and the deictic reference to כול החוקים האלה (5:7) are both missing from 4QS^{b, d}. Thus the expanded version of this passage found in 1QS contains several instances where terms pertaining to the authority of the *yahad*'s laws are introduced. The expansions in 1QS 5 serve a variety of purposes, including highlighting the role of the Zadokites and adding scriptural support for several statements, but it appears that in the process the authority claims of the text have also been augmented.⁵¹

Preservation of Diverse Traditions and the Problem of “Replacement”

Appreciation of the similarities between the self-authorization strategies of the rule texts D and S and those of “rewritten scripture” texts within and outside of the Hebrew Bible raises a related question. With regard to both groups of texts, scholars have struggled to understand how multiple conflicting texts, each with some sort of claim to normativity, would have been intended or perceived to relate to one another. In the realm of “rewritten scripture,” the question has been framed as pertaining to “replacement”: did the later, rewriting text seek to *replace* or completely usurp the position and authority of the text it rewrote, or did it merely intend to *complement* the earlier text? (These options are referred to by Petersen as the “replacement thesis” and the “irenical interpretation.”)⁵² In studies of S and D, the question has been how to understand the preservation of all these various rule texts (particularly versions of the penal code that prescribe different punishments for the same offence) alongside one another. The issue is sharpened for scholars who regard 1QS, which is paleographically *earlier* than 4QS^{b, d, e}, as nevertheless representing a more developed form of the text—this involves postulating that earlier, “obsolete”

⁵⁰ See A. J. Lucas, “Scripture Citations as an Internal Redactional Control: 1QS 5:1–20a and Its 4Q Parallels,” *DSD* 17 (2010): 30–52, at 37.

⁵¹ See Metso, *Textual Development*, 76–90; M. Bockmuehl, “Redaction and Ideology in the *Rule of the Community* (1QS/4QS),” *RevQ* 18 (1998): 541–60.

⁵² A. K. Petersen, “The Riverrun of Rewriting Scripture: From Textual Cannibalism to Scriptural Completion,” *JSJ* 43 (2012): 475–96, at 476.

versions of S continued to be copied even after they were “displaced” by a later version.⁵³ Just as the authorization strategies of D and S bear some resemblance to those found in biblical and parabiblical compositions, discussion of the “replacement question” in the latter sphere can bring new perspective to this problem as regards multiple, divergent versions of D and S.

As I have argued elsewhere, I believe that the answer to the question of “replacement” with regard to rewritten scripture is yes and no.⁵⁴ The authority of older texts was such that it seems unlikely that a later author would expect to completely, literally displace the older text such that it was no longer copied and transmitted. On the other hand, the authority claims of texts like Deuteronomy, TS and *Jubilees* should not simply be dismissed as conventional. Especially in matters of halakhic significance, we can presume that the authors of these texts believed it was their version of the law that should be followed. Coexistence, in other words, was not necessarily “irenic,” but could imply struggle to assert a greater practical authority.⁵⁵ Elsewhere I have put this in terms of “functional replacement” rather than literal or “ontological” replacement. By positioning themselves alongside existing authoritative scripture, rewritten texts made a bid to become the lens through which existing scripture was read.⁵⁶

Confirmation that readers could and did tolerate multiple conflicting versions can be found in the redaction of the Torah itself and the preservation and use of biblical manuscripts at Qumran. Whatever the original intent of the authors of Deuteronomy, it and the Covenant Code that it seeks to update, as well as other traditions, were preserved and read alongside each other in the Pentateuch itself.⁵⁷ The mere fact of the preservation of multiple text-types at Qumran points in the same direction. Of course many of the biblical manuscripts at Qumran may have been brought from elsewhere, but patterns of preservation and citation of scripture at Qumran and elsewhere seem to indicate that readers simply were not bothered by (or even aware of) this

⁵³ See especially P. Alexander, “The Redaction-History of Serekh ha-Yahad: A Proposal,” *RevQ* 17 (1996): 437–56, at 448–51; Schofield, *From Qumran to the Yahad*, 77.

⁵⁴ M. Zahn, “Rewritten Scripture,” in *The Oxford Handbook of the Dead Sea Scrolls* (J. Collins and T. Lim, eds.; Oxford: Oxford University Press, 2010), 323–36, at 331; see now also Petersen, “Riverrun,” 490–91.

⁵⁵ On this point, see M. Grossman, “Beyond the Hand of Moses: Discourse and Interpretive Authority,” *Prooftexts* 26 (2006): 294–301; J. J. Collins, “Changing Scripture,” in *Changes in Scripture* (n. 2 above), 23–45.

⁵⁶ Grossman, “Hand of Moses,” 300; Petersen, “Riverrun,” 492.

⁵⁷ Some would see Deuteronomy as intended from the start to exist alongside the earlier traditions it seeks to reformulate, e.g. Najman, *Seconding Sinai*, 22–26; E. Otto, “Biblische Rechtsgeschichte als Fortschreibungsgeschichte,” in *Altorientalische und biblische Rechtsgeschichte* (n. 4 above), 496–506; Kratz, “Rewriting Torah.” Others argue that the original authors of Deuteronomy did in fact intend for it to displace those earlier traditions: Levinson, *Deuteronomy*, 153; Stackert, *Rewriting the Torah*, 218–19.

pluriformity.⁵⁸ The apparent toleration of tensions between different scrolls of, say, Exodus, or between a scroll of Exodus and one of Deuteronomy, indicates that such tensions as exist between TS or *Jubilees* and the Pentateuch would have been tolerated in the same way.⁵⁹

What would happen if we applied this evidence about the co-existence of multiple versions of authoritative traditions in the context of biblical and rewritten texts to the parallel situation with regard to S and D? Some have suggested that it makes no sense that earlier, obsolete versions of S (i.e., the 4Q S mss) would continue to be copied once a newer version (i.e., 1QS) had taken their place. If this is the assumption, then the options are either to assert, against good evidence to the contrary, that the 4Q S mss are in fact later, abbreviated forms of 1QS, or, as Schofield suggests, that the different versions must have been copied at different places and only later brought to Qumran for safekeeping.⁶⁰ That different versions of S might have developed in different communities is of course very possible. Given that we have good evidence, however, that multiple versions of biblical and parabiblical texts, including texts with halakhic implications, existed side by side, it seems that there may be another possible explanation for the evidence of S (and D).

Sarianna Metso has already suggested something to this effect in proposing that the rule texts were not themselves directly prescriptive but rather were meant as tools for study. In other words, concrete decision-making power lay not in any single text but in the authority of the priests or “the many” (הרבים, e.g. 1QS 6:8–13). Metso bases her argument on both the descriptions of judicial processes in D and S and internal tensions within manuscripts, as well as tensions between manuscripts.⁶¹ Though she does not stress this connection herself, in effect Metso is suggesting that the legislation in D and S functioned much as the biblical legal corpora did: as compilations of diverse materials that, because of their diversity, *required* interpretation. We may never be able to reconstruct precisely the relationship between a text like S or D and actual community practice, but it seems we must allow for the possibility that here as in other ways S and D resemble the biblical/parabiblical witnesses. We know that texts in the biblical

⁵⁸ Hempel, “Pluralism,” 204–5; see also G. Brooke, “*E Pluribus Unum*: Textual Variety and Definitive Interpretation in the Qumran Scrolls,” and E. Ulrich, “The Qumran Biblical Scrolls – The Scriptures of Late Second Temple Judaism,” pp. 107–19 and 67–87 (respectively) in *The Dead Sea Scrolls in Their Historical Context* (T. Lim, ed.; Edinburgh: T&T Clark, 2000).

⁵⁹ Much could be said, of course, about the interpretive energy generated by these tensions!

⁶⁰ For the former view, see Alexander, “Redaction-History”; for the latter, see Schofield, *From Qumran to the Yahad*, 77.

⁶¹ S. Metso, *The Serekh Texts* (CQS 9; London: T&T Clark, 2007), 63–70.

tradition, including legal texts, went through multiple stages of *Fortschreibung* and rewriting. We also know that earlier versions of these texts continued to be copied alongside more developed versions (the Pentateuch continued to be copied even after the production of TS and *Jubilees*, and the pre-MT form of the Pentateuch continued to be copied even after the production of the pre-Samaritan version and the 4QReworked Pentateuch manuscripts). It seems quite plausible, given the other similarities in their transmission and compositional histories, that “sectarian” compositions like S and D would have been treated in the same sort of way.⁶² Glosses and updating, such as changes to the penal code, may reflect changes in community practice, but may also reflect attempts at harmonization or other “exegetical” responses.⁶³ Thus, until we are able to make firmer pronouncements about the relationship between text and practice with regard to the rule texts, it seems best to leave open the possibility that multiple versions could have been preserved, copied, and studied alongside one another. Indeed, given the evidence from biblical and rewritten texts, we might expect exactly this. As Hempel puts it, “Why does it surprise us that the *Rule* texts witness a considerable degree of plurality, while we have come to acknowledge a remarkable degree of flexibility and plurality with reference to the emerging Scriptures?”⁶⁴

Conclusion

In this study, I have shown that trajectories that begin within the Torah itself—here, the idea of divinely revealed law and the creation of innovative ways to extend and transform that revelation—continue not only in rewritten scripture but also in D and S, traditions that have usually been analyzed in the context of other conversations entirely. I hope that these modest results illustrate the promise that lies in continuing to explore the common ground between Biblical and Qumran Studies. While a fuller engagement with Qumran can broaden the perspective of biblical scholars as to the nature and goals of ancient Jewish textuality, Qumran scholarship can likewise be fruitfully informed by the methods and perspectives of Biblical Studies.

⁶² See Popović’s comments about the “scholarly” character of the Qumran corpus: M. Popović, “Qumran as Scroll Storehouse in Times of Crisis? A Comparative Perspective on Judaean Desert Manuscript Collections,” *JSJ* 43 (2012): 551–594, at 576–78.

⁶³ See Kratz, “Penal Code,” 213–14.

⁶⁴ “Pluralism,” 208.